Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 234										
Bill #: SB 182 GA										
Document ID #: _4782										
Bill Subject/Title: AN ACT relating to the dissemination of personnally identifying information.										
Sponsor: Wil R. Schroder										
Unit of Government: x City x County x Urban-County x Charter County x Consolidated Local x Government										
Office(s) Impacted: Local jails and law enforcement										
Requirement: Mandatory Optional										
Effect on Powers & Duties: x Modifies Existing Adds New Eliminates Existing Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local										

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 182 creates a new section of KRS Chapter 525 to create a Class A misdemeanor for disseminating personally identifying information on the Internet about a minor and establishes increased criminal penalties for injury and levels of monetary loss. It creates a civil cause of action arising from violations and limits the liability of service providers.

The fiscal impact of SB 182 is indeterminate and minimal. The Act creates new misdemeanor and felony crimes and, for local jails, may result in increased Class A Misdemeanor, Class D Felony, and Class C Felony incarcerations. The costs associated with Class A Misdemeanor and Class D and C Felony incarcerations are described below.

Class A misdemeanors:

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be

based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

Class D and Class C felons:

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Sourc	ce(s):	Kentucky D	epartment of C	Correct	tions; K	entucky	Jailers A	Associati	<u>on</u>	
Preparer:	H. Mar	ks	Reviev	ver:	KHC			Date:	2/24/20	